
By: **Delegate Frush**

Introduced and read first time: February 5, 2003

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Juvenile Justice Alternative Education Program**

3 FOR the purpose of requiring the Department of Education to oversee the juvenile
4 justice alternative education program; requiring the State Board of Education to
5 enter into a partnership with a Juvenile Justice Advisory Board to organize a
6 certain program; providing for the composition of the Juvenile Justice Advisory
7 Board; requiring the Juvenile Justice Advisory Board with the State Board to
8 select a private agency to administer a certain program; providing that a certain
9 program may be held in a certain facility; providing that a student required to
10 attend a certain program who fails to attend is deemed delinquent; providing
11 that students attending a certain program receive courses focusing in certain
12 areas; requiring each county board to consider course credit earned by certain
13 students attending a certain program as credit earned in a county school;
14 requiring a county board to pay certain funds to a certain program; providing
15 that certain funds shall not revert to the General Fund and shall remain
16 available for a certain purpose; and generally relating to the juvenile justice
17 alternative education program.

18 BY repealing and reenacting, with amendments,
19 Article - Education
20 Section 7-305.1
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2002 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Education**

26 7-305.1.

27 (a) The State Board shall establish in a county designated by the State
28 Superintendent a juvenile justice alternative education pilot program for public
29 school students who are suspended, expelled, or identified as being candidates for
30 suspension or expulsion as provided in subsection (d) of this section.

1 (b) The Department [or the county board for the county designated under
2 subsection (a) of this section may enter into a partnership with the county's circuit
3 court judges to] SHALL oversee the juvenile justice disciplinary alternative education
4 pilot program for public school students who are:

5 (1) [suspended] SUSPENDED, expelled, or identified as being candidates
6 for suspension or expulsion; AND

7 (2) ORDERED TO ATTEND AS A CONDITION OF PROBATION BY THE
8 JUVENILE COURT.

9 (c) (1) THE STATE BOARD SHALL ENTER INTO A PARTNERSHIP WITH A
10 JUVENILE JUSTICE ADVISORY BOARD TO ORGANIZE AND RUN THE JUVENILE
11 JUSTICE ALTERNATIVE EDUCATION PILOT PROGRAM.

12 (2) A JUVENILE JUSTICE ADVISORY BOARD SHALL BE COMPOSED OF:

13 (I) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY
14 THE PRESIDENT OF THE SENATE;

15 (II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY
16 THE SPEAKER OF THE HOUSE;

17 (III) THE COUNTY'S CIRCUIT COURT JUDGES; AND

18 (IV) THE COUNTY EXECUTIVE.

19 (D) (1) The State Board AND THE JUVENILE JUSTICE ADVISORY BOARD
20 [may] SHALL select a private agency to administer the juvenile justice alternative
21 education pilot program.

22 (2) The selected private agency shall:

23 (i) Provide proof of student progress in reading and mathematics;
24 and

25 (ii) Have at least 3 years of experience serving students that are
26 suspended, expelled, or identified as being candidates for suspension or expulsion.

27 (E) A JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM MAY BE
28 OPERATED IN A FACILITY OWNED AND OPERATED BY:

29 (1) A PRIVATE PARTY; OR

30 (2) A COUNTY BOARD.

31 [(d)] (F) (1) Except for a student who is adjudicated delinquent and
32 committed by the juvenile court to a public or licensed private agency for placement in
33 a facility under § 3-8A-19 of the Courts Article, a student who is required to attend
34 school under § 7-301 of this subtitle and who is suspended, expelled, or identified as
35 being a candidate for suspension or expulsion from a public school in the county

1 designated under subsection (a) of this section shall attend the juvenile justice
2 alternative education pilot program BEGINNING THE FIRST DAY OF THE STUDENT'S
3 SUSPENSION OR EXPULSION.

4 (2) A STUDENT REQUIRED TO ATTEND A JUVENILE JUSTICE
5 ALTERNATIVE EDUCATION PROGRAM WHO FAILS TO ATTEND IS DEEMED
6 DELINQUENT AS DEFINED IN § 3-8A-01(K) OF THE COURTS ARTICLE.

7 [(e)] (G) The juvenile justice alternative education pilot program shall:

8 (1) Provide programs designed to promote self-discipline and reduce
9 disruptive behavior in the school environment;

10 (2) Ensure that the student continues to receive appropriate educational
11 and related services during the term of the suspension or expulsion INCLUDING A
12 FOCUS IN THE FOLLOWING ACADEMIC AREAS:

13 (I) ENGLISH AND LANGUAGE ARTS;

14 (II) MATHEMATICS;

15 (III) SCIENCE; AND

16 (IV) SOCIAL STUDIES; and

17 (3) Offer services to facilitate the student's transition back to the school
18 after completion of the term of suspension or expulsion.

19 (H) EACH COUNTY BOARD SHALL CONSIDER COURSE CREDIT EARNED BY A
20 STUDENT WHILE IN A JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM AS
21 CREDIT EARNED IN A COUNTY SCHOOL.

22 (I) THE COUNTY BOARD SHALL PAY TO THE JUVENILE JUSTICE
23 ALTERNATIVE EDUCATION PROGRAM THE BASIC CURRENT EXPENSES PER PUPIL
24 FOR EACH STUDENT TRANSFERRED TO THE JUVENILE JUSTICE ALTERNATIVE
25 EDUCATION PROGRAM FROM THE COUNTY'S SCHOOLS.

26 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any
27 other provision of law, for fiscal year 2004, general funds appropriated in connection
28 with the juvenile justice alternative education program that remain unexpended at
29 the end of the fiscal year shall not revert to the General Fund and shall remain
30 available for expenditure on the juvenile justice alternative education program in the
31 subsequent fiscal year.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2003.